

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

FRED BRISSETTE,

Plaintiff,

v.

DEBORAH McCULLOCH and
ERIN LUND,

Defendants.

ORDER

12-cv-744-wmc

This case was closed after the court did not receive a signed copy of plaintiff's complaint by the November 30, 2012 deadline as directed in this court's November 8, 2012 order. Now the court has received a signed copy of plaintiff's complaint. The next step will be for plaintiff to pay an initial partial payment of the \$350 filing fee.

From the trust fund account statement plaintiff has submitted, I calculate his initial partial payment to be \$28.78. Plaintiff should show a copy of this order to treatment facility officials to insure that they are aware they should send plaintiff's initial partial payment to this court.

Once plaintiff pays the amount I have determined he is able to prepay, that is just the first step in obtaining leave to proceed *in forma pauperis* under 28 U.S.C. § 1915. After the court receives his payment, the court will reopen his case and take plaintiff's complaint under advisement for a determination under § 1915(e)(2) whether his action or any portion of it must be dismissed as frivolous or malicious, for failure to state a claim on which relief may be granted or because plaintiff seeks monetary relief against a defendant who is immune from such relief.

ORDER

IT IS ORDERED that plaintiff Fred Brissette is assessed \$28.78 as an initial partial payment of the \$350 fee for filing this case. He is to submit a check or money order made payable to the clerk of court in the amount of \$28.78 on or before April 1, 2013. If, by April 1, 2013, plaintiff fails to make the initial partial payment or show cause for his failure to do so, his case will remain closed. If plaintiff later decides he wishes to pursue this action, he will have to submit a new trust fund account statement covering the six-month period immediately preceding the filing of a motion to reopen so that I can consider his current financial status in determining the amount of the initial partial payment required.

Entered this 7th day of March, 2013.

BY THE COURT:

s/ Peter Oppeneer
PETER OPPENEER
Magistrate Judge